

Message

From: Froede, Carl [Froede.Carl@epa.gov]
Sent: 5/10/2021 6:57:01 PM
To: Amoroso, Cathy [Amoroso.Cathy@epa.gov]
Subject: RE: I received the EMDF ROD ARARs invitation

The DOE plan sounds reasonable – but the EMWMF project team (I'm the EPA team member ☺) has not been informed of this plan. Our next EMWMF-EMDF meeting is in the last week in May and perhaps it will be shared then? Just remember that you are dealing with the DOE decision makers while I deal with unempowered "Yes" members – both DOE and TDEC. It has always been this way.

From: Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Sent: Monday, May 10, 2021 2:20 PM
To: Froede, Carl <Froede.Carl@epa.gov>
Subject: RE: I received the EMDF ROD ARARs invitation

I think Roger is planning to send the FFS to the EMWMF project team to discuss. The FFS has to include the preliminary remediation goals (effluent limits) – not necessarily the final effluent limits. The final limits go in the ROD. Glenn and I told DOE that the FFS would be needed before EPA signs the final ROD. I'm guessing they will want to submit the FFS during the D2 review.

From: Froede, Carl <Froede.Carl@epa.gov>
Sent: Monday, May 10, 2021 2:16 PM
To: Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Subject: RE: I received the EMDF ROD ARARs invitation

FYI – There has been NO discussion regarding a future FFS deliverable at my level. DOE must resolve several steps (fish collection/analysis and derivative discharge limits) before they can provide the revised FFS document. That's why (I believe) DOE wants to do the discharge limits/FFS after the D1 ROD is issued.

From: Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Sent: Monday, May 10, 2021 12:56 PM
To: Brock, Martha <Brock.Martha@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>; Froede, Carl <Froede.Carl@epa.gov>
Subject: RE: I received the EMDF ROD ARARs invitation

FFS: I don't know that date for the revised waste water FFS submittal. The project team is dusting off the FFS and figuring out what/how to update/revise. I'm ccing Connie and Carl in case they have a date.

Proposed Plan: DOD believes they met their public participation obligations, and that the more recent new information doesn't meet the criteria for a pre-ROD change. DOE does not plan to re-issue the PP. EPA's concern is whether the initial PP and public comment period adequately meets the NCP public participation requirements, given the various missing information at the time of the PP. This issue will be elevated to the senior leadership team (DOE site manager, TDEC commissioner/deputy commissioner, R4 RA/DRA).

- DOE is developing a short, written proposal to outline the additional proposed public information activities regarding WAC, site selection (including waivers, gw info, etc.), mercury management, and effluent discharge limits for rad.

- The proposal is essentially to provide additional/updated information to the public, and hold Q&A sessions, with the exception of the WAC. The WAC would be made available for review, and comments accepted.

Whether or not our senior leaders will find this adequate, and whether HQ will find this adequate, I do not know. We probably will have to have an internal meeting on this so we can brief our senior leaders. I will share the DOE written proposal when I get it.

From: Brock, Martha <Brock.Martha@epa.gov>
Sent: Monday, May 10, 2021 10:11 AM
To: Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Subject: RE: I received the EMDF ROD ARARs invitation

When is DOE submitting the revised FFS?

And what is the discussion about the Proposed Plan being resubmitted OR having public comment on something more than the WAC?

From: Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Sent: Monday, May 10, 2021 9:22 AM
To: Brock, Martha <Brock.Martha@epa.gov>
Subject: RE: I received the EMDF ROD ARARs invitation

I just sent Steve Stout an email asking if a TDEC attn is involved. I hope so. And if not, as you say, we will stop the buggy.

From: Brock, Martha <Brock.Martha@epa.gov>
Sent: Monday, May 10, 2021 9:21 AM
To: Amoroso, Cathy <Amoroso.Cathy@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>; Froede, Carl <Froede.Carl@epa.gov>
Cc: Adams, Glenn <Adams.Glenn@epa.gov>
Subject: RE: I received the EMDF ROD ARARs invitation

That is good that it is not bilateral.

From: Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Sent: Monday, May 10, 2021 9:19 AM
To: Brock, Martha <Brock.Martha@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>; Froede, Carl <Froede.Carl@epa.gov>
Cc: Adams, Glenn <Adams.Glenn@epa.gov>
Subject: RE: I received the EMDF ROD ARARs invitation

Hi Martha, Connie and Carl,

Regarding the EMDF ROD, the ARARs meeting is one of a series of meetings (DOE calls "workshops") that DOE proposed, and our Senior Leaders (Carol and John Blevins) agreed to. The purpose is to work out, as much as we can, some ROD items (ARARs, WAC) prior to the D1 ROD (which is due to be submitted in July). DOE will also be asking us to participate in a workshop for the WAC.

ARARS: My understanding is that the three parties (EPA, TDEC and DOE) will discuss the draft ARAR documents. The purpose is to get a slight head start on the D1 ROD. There is no expectation that all the ARARs will be worked out before the D1 ROD review period, and obviously you all will need the D1 ROD in order to make formal comments on the ARARs. In the meantime, the documents sent today by DOE are a preview, and if there are showstoppers or things that are easy to agree on, those items can be identified and discussed.

I'm not sure why the TDEC attorney isn't on this mailing list. I'm assuming that Brad Stephenson (TDEC) will forward to the TDEC attorneys, but I will check. This should be a three party meeting, not bilateral meeting, as far as I know.

Other items:

FFS: The task of revising the FFS will go back to the EMWMF project team (Carl).

WAC: DOE will also be asking us to participate in a workshop regarding the WAC.

EMDF Hg Management: TDEC has been working directly with DOE on this. We will be setting up an EPA/TDEC meeting to discuss; look out for a meeting invitation.

We can meet before Wednesday, if everyone wants to. I'll look for a time slot.

Cathy

From: Brock, Martha <Brock.Martha@epa.gov>

Sent: Monday, May 10, 2021 8:43 AM

To: Amoroso, Cathy <Amoroso.Cathy@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>; Froede, Carl <Froede.Carl@epa.gov>

Subject: I received the EMDF ROD ARARs invitation

For next Tuesday.

Are we speaking with TN before that call?

What is the purpose of the call?

Will the person who created the documents be on the call?

Is DOE having TDEC and an EPA bilateral calls?

Martha Brock

Senior Attorney, Federal Facilities; EPA Region 4

61 Forsyth St., SW; Atlanta, GA 30303

Ph: (404) 562-9546

Work Cell: (470) 512-7133

If the agency's interpretation deviates from prior policy, the agency must provide a reasoned basis for the change. *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125-26 (2016).